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LEGISLATIVE SUPPLEMENT

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PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 21st July, 2017

No.15-Leg./2017.- The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 8th day of July, 2017, is hereby published for general information:-

**THE PUNJAB CO-OPERATIVE SOCIETIES
(AMENDMENT) ACT, 2017.**

(Punjab Act No. 11 of 2017)

AN

ACT

further to amend the Punjab Co-operative Societies Act, 1961.

BE it enacted by the Legislature of the State of Punjab in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Co-operative Societies (Amendment) Act, 2017. Short title and commencement.
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. In the Punjab Co-operative Societies Act, 1961, section 67-A, shall be omitted. Omission of section 67-A of Punjab Act 25 of 1961.

VIVEK PURI,

Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

PART III

GOVERNMENT OF PUNJAB

DEPARTMENT OF TRANSPORT

(TRANSPORT - II BRANCH)

NOTIFICATION

The 19th July, 2017

No. S.O.39/C.A.59/1988/Ss.99 and 100/2017.-WHEREAS, the Governor of Punjab is of the opinion that for the purpose of providing an efficient, adequate, economical and properly coordinated road transport service, it is necessary in the public interest that road transport services in relation to certain areas and routes should be run and operated by the State Transport Undertakings to complete or partial exclusion of other persons;

Now, therefore, in exercise of the powers conferred by Section 99 of the Motor Vehicles Act, 1988 (Central Act No.59 of 1988), and all other powers enabling him in this behalf, Governor of Punjab is pleased to formulate a proposal regarding the road transport services to achieve the aforesaid purpose, in supersession of the Scheme notified vide No. SO.41/C.A.59/1988/S.100/1990, dated The 9th August, 1990 as modified from time to time.

Notice is hereby given that any person may within a period of 30 days from the date of publication of the above said proposal in the Official Gazette, file objections as required under sub-section (1) of section 100 of the aforesaid Act, to the Principal Secretary to Government of Punjab, Department of Transport, Punjab Civil Secretariat-2, Sector-9, Chandigarh against the proposed Scheme given below and such objections shall be considered by the State Government in accordance with the provisions of sub-section (2) of section 100 *ibid*.

DRAFT SCHEME

1. (1) This Scheme may be called the Punjab Transport Scheme, 2017.
(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. In the Scheme, unless the context otherwise requires,-
 - (a) 'Major District Roads' means the roads notified as such by the Government of Punjab from time to time;
 - (b) 'National Highways' means the roads notified as such by the Government of India from time to time;
 - (c) 'Other District Roads' means the roads notified as such by the Government of Punjab from time to time;

- (d) 'Private Operator' means any operator who may be granted permit under the Scheme, not being a State Transport Undertaking;
- (e) Rural Link Roads means the roads notified as such by the Government of Punjab from time to time; and
- (f) 'State Highways' means the roads notified as such by the Government of Punjab from time to time.

3. Movement of stage carriages on all routes and/or roads in the State of Punjab, and on all routes and/or roads to or from other States, shall be regulated as per the table below:

Sr. No.	Classification of Routes	% share of State Transport Undertakings	% share of Private Operators	Transport Vehicle Type
A.	Routes notified for service exclusively by State Transport Undertakings	100	0	Stage carriages (Buses) having seating capacity of 39 or more excluding driver, with the further condition that air-conditioned stage carriages shall be run only by State Transport Undertakings out of their overall share
B.	Inter State Routes	100	0	
C.	National Highways within the State of Punjab	50	50	
D.	State Highways/Main District Roads/Other District Roads	40	60	
E.	Stage Carriages (buses) with seating capacity of 38 or less, excluding driver shall get permits under Chapter V of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) for plying on link roads only. However, they shall be allowed to travel upto 12 kms on above categories of roads and such particular stretch shall be mentioned on their permit.			

4. State Transport Undertakings shall have fixed time slabs for departure of their stage carriages. The time slabs shall be fixed by the Secretary, Regional Transport Authority based upon the number of State Transport Undertakings' stage carriages on the concerned route. The time slabs fixed, shall remain unchanged round the year, subject to seasonal variations permitted by the State Transport Commissioner for convenience of commuters. In exceptional cases, time slabs may be varied by the Secretary, Regional Transport Authority in public interest justified by analysis of ridership data. Halting time

at stage carriage stands shall be equitably distributed between State Transport Undertaking stage carriages and those of Private Operators.

5. Stage carriages operated by the Private Operators shall follow schedules as per a roster of movement amongst all private operators on a route.
 - (1) The roster shall be monthly.
 - (2) The roster shall be approved by Secretary, Regional Transport Authority. The State Government shall within a period of one year ensure availability of appropriate software and technology to facilitate computer generation of rosters for the entire State.
 - (3) The roster shall ensure that all Private Operators on a route get to operate stage carriages at lean and high traffic times of a day equally, over the period of the roster.
 - (4) Timings of stage carriages belonging to a particular operator on a route shall be clubbed to avoid unhealthy competition provoking over speeding, concomitant discomfort to passengers and scare of accidents.
6. Permits issued for a route, shall carry the registration numbers of stage carriages that are to ply on that route.
7. The permit or a copy of the permit number shall be displayed on the vehicle in the manner as may be specified by the State Transport Commissioner.
8. Allotment of permits for stage carriages shall be made by the State Government. The eligibility criteria and the reservation to be followed, shall be notified by the State Government in exercise of its powers under Section 71 of the Motor Vehicles Act, 1988.
 - (1) In case number of eligible applications received for a particular route are more than the number of permits that can be granted for such route, the permits shall be allotted by way of draw of lots.
 - (2) In case of Private Operators, not more than 25% of the total permits earmarked for Private Operators of a particular route, shall be issued to one firm/party/person on such route.
9. Permits issued under this Scheme shall be valid for a period of five years from the date of issue and require renewal every five years thereafter.
10. Permits issued by the State Government, that were valid immediately prior to the coming into force of this Scheme, shall subject to:
 - (i) the provisions of the Motor Vehicle Act, 1988;
 - (ii) the permits not having been declared invalid by any court of law

(iii) the operator furnishing an undertaking to comply with all the terms and provisions of the present Scheme,

be continued/renewed under this Scheme for the remainder period of their original validity only at no extra charge.

11. No transfer of permits shall be allowed, except in case of replacement of a stage carriage, or, in case of inheritance due to death of an individual permit holder.
12. Once granted, there shall be no extension, or diversion, or curtailment of the route mentioned on the permit, save when a bus stand is shifted to a new location or a route is altered due to coming up of an overbridge.
13. An operator may surrender his permit by way of notice of three months, or payment in lieu of notice of total dues payable for three months as assessed by the Secretary, Regional Transport Authority.
14. Each operator, within six months of grant of permit under the present Scheme, shall ensure to the satisfaction of the authority notified by the Punjab Government, that;
 - (i) Global Positioning System tracking system and Radio Frequency Identification, as may be specified by the Punjab Government are installed on all stage carriages registered in the State, to enable monitoring of movement, speed, stoppages and regularity of the service of stage carriages on permitted routes, by the State Government, as well as by the general public;
 - (ii) Close Circuits TV cameras, as may be specified by Punjab Government are installed inside the stage carriages plying in the State and entering the State, to minimize chances of untoward incidents inside the stage carriages and to ensure detection and appropriate action in case of such incidents;
 - (iii) Panic buttons as may be specified by the Punjab Government that triggers an SMS/Call to nearest police station along with Global Positioning System Location of the stage carriage (bus), are installed inside the stage carriages; and
 - (iv) he undertakes to be part of a common digital platform with requisite devices in stage carriages, to enable common tickets/passes for passengers travelling on stage carriages in the State of Punjab.
15. A holder of stage carriage permit shall be liable for penal action and cancellation of permit, as provided under the Motor Vehicles Act, 1988 and under the Punjab Motor Vehicles Rules, 1989 in case of non-compliance of terms and conditions of the permit and/or any breach of conditions specified in this Scheme:-

Provided, that the terms and conditions contained in the clauses to the present Scheme shall be deemed to be conditions contained in the permit issued hereunder.

Provided further that, the following shall be deemed to be conditions contained in the permit issued under this Scheme and any operator, if found guilty of the same, shall be deemed to have violated the conditions contained in the permit:

- a. To be not adhering to timings; or
 - b. Deviating from route; or
 - c. Over speeding; or
 - d. Making un-authorized stoppages; or
 - e. To have switched off, or, removed, or tampered with the Global Positioning System at any time irrespective of whether stage carriage is on the move or is stationary; or
 - f. Is without annual road worthiness certificate; or
 - g. Overcharging or harassing passengers by the staff; or
 - h. Being driven by driver not holding proper license; or
 - i. Government dues/taxes are not paid in time; or
 - j. Endangering safety of passengers.
16. Motor Vehicle Tax shall be proportionate to the reference fares notified by the Punjab Government for different classes of stage carriages (buses) and shall be charged on mileage sanctioned in permit with 4 off days in a month. Where there exists a reciprocal arrangement with other States/UTs, rate of tax shall be equal to the rate charged by the other States/UTs. For buses running on rural roads the tax shall be lump sum Rs.30,000 per annum which shall increase 5% every year in compounded manner.
17. For the sake of safety on roads, the State Government shall endeavour to ensure that Toll Plazas, or other appropriate stretches of State Highways and National Highways have mandatory lanes for commercial vehicles with built-in weigh bridges. Overloaded vehicles shall be stopped and allowed to pass only after excess load has been shifted to another vehicle.
- It is clarified that*, the aforesaid shall be in addition to and not in derogation to any challans, penalties or punishments prescribed for overloading by any other law for the time being in force.
18. The State Government shall endeavour to ensure that appropriate facilities are developed, on an outsourced basis, for automatic detection of over-speeding and issuance of challans using speed radars and vehicle number plate readers, along the State Highways and National Highways.

19. The State Government shall endeavour to ensure that appropriate facilities are developed, on an outsourced basis, to set up Adequate Automatic Computerized Testing Stations for conducting annual fitness check of commercial vehicles.
20. The Punjab Government shall endeavour to ensure that challans are issued by Police and Transport Departments only on online handheld machines linked to a central/cloud server.

SARVJIT SINGH, IAS,
Principal Secretary to Government of Punjab,
Department of Transport.